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PART-I

Notifications, Orders and Declarations by Haryana Government

STATE ELECTION COMMISSION, HARYANA

NIRVACHAN SADAN, PLOT NO. 2, SECTOR-17, PANCHKULA-134109

Notification

The 3rd November, 2022

No. SEC/4E-II/2022/4995.— Whereas the State Election Commission, Haryana vide notification No. SEC/4E-II/2022/3526, dated 14.10.2022 had announced schedule for conduct of general elections of Panches and Sarpanches of all Gram Panchayats and Members of all Panchayat Samitis and Zila Parishads in nine districts namely Ambala, Charkhi Dadri, Gurugram, Karnal, Kurukshetra, Rewari, Rohtak, Sirsa and Sonipat. This also included post of Sarpanch, Gram Panchayat Jauli, Block Gohana, district Sonipat. According to the notification dated 14.10.2022, notice for inviting nominations under rule 24 of the Haryana Panchayati Raj Election Rules, 1994 was published by the concerned deputy commissioners on 15.10.2022. Nominations work presented between 21.10.2022 to 28.10.2022, scrutiny of nominations received was done by the Returning Officers concerned on 29.10.2022 and withdrawal of candidature was done on 31.10.2022 upto 03.00 PM. Election symbols were allotted to the contesting candidates on the same day after preparation of final list of candidates who remained in fray. Polling for members, Zila Parishad and Panchayat Samitis in nine district is scheduled to be held on 09.11.2022 and polling for election for the posts of Sarpanches and Panches is scheduled to be held on 12.11.2022.

2. Whereas, the Deputy Commissioner, Sonipat vide his memo No. 7169, dated 02.11.2022 has informed that nomination of Smt. Renu w/o Arun Kumar, Smt. Savita w/o Krishan, Smt. Renu w/o Sewa Singh, Smt. Lakshmi Kumari w/o Satish Kumar and Smt. Kavita Rani w/o Sita Ram were received for the post of Sarpanch from Gram Panchayat Jauli, Block Gohana district Sonipat. Out of these five nominations, one nomination i.e. of Smt. Lakshmi Kumari w/o Satish Kumar was rejected by Shri Pawan Kumar, Returning Officer of Gram Panchayat Jauli. One candidate, Smt. Kavita Rani w/o Sita Ram withdrew her nomination on 31.10.2022 and thus three candidates Smt. Renu w/o Arun Kumar, Smt. Savita w/o Krishan, and Smt. Renu w/o Sewa Singh left in fray.

3. The Deputy Commissioner, Sonipat has further informed that Smt. Lakshmi Kumari w/o Satish Kumar, candidate for the post of Sarpanch, whose nomination was rejected, has filed a CWP No. 25121 of 2022, 'Lakshmi Kumari versus State of Haryana and others' in the Hon'ble Punjab and Haryana High Court. The Hon'ble Punjab and Haryana High Court, Chandigarh vide its order dated 01.11.2022 in the above CWP, has directed the Returning Officer to accept her nomination.

4. The Deputy Commissioner has further sought guidance/advice in the matter in view of order dated 01.11.2022 passed by the Hon'ble Punjab and Haryana High Court in this writ petition wherein the Returning Officer has been directed to accept nomination of the petitioner Smt. Lakshmi Kumari w/o Satish Kumar.

5. The Hon'ble Punjab and Haryana High Court in CWP No. 25121 of 2022 Lakshmi Kumari versus State of Haryana & others on dated 31.10.2022 has passed the following orders :-

“The petitioner alongwith her husband is present in the court and stated that vide Annexure P-14 dated 21.09.2022, she was wrongly reflected as General category candidate in the Citizen Resource Information Department (CRID). However, this correction was got done vide Annedure P-15 dated 29.10.2022 in the Citizen Resource Information Department (CRID) wherein she was reflected as a candidate of Scheduled caste category.

The election is due to be held on 12.11.2022 and her nomination papers have been rejected vide order Annexure P-12 on the ground that she had appended her SC certificate, which was issued by the State of Uttar Pradesh, however, in her family I.D., her category has been shown as General.

Since the correction of her category has already been made vide order dated 29.10.2022 (Annexure-15) well within the time, as the election is due on 12.11.2022, the nomination papers could not be rejected vide Annexure P-12.

Notice of motion for 29.11.2022

In the meanwhile, nomination papers of the petitioner be accepted by respondent No. 3.”

6. Clause (vi) of subrule (2) of rule 24 of the Haryana Panchayati Raj Election Rules, 1994 provides as under:

“24. Fixation of various stages of elections (2) The District Election Officer (Panchayat) shall by notice in Form 2 or 3, which shall be published at least five clear days before the first day fixed for making nominations, shall specify the date or dates, on, by or within which, (vi) the poll shall be held;

Provided that the date of poll shall not be earlier than the seventh day after the last date fixed for the withdrawal of the candidatures”.

7. In the present case after withdrawal of nominations papers and publication of list of contesting candidates, election symbols have been allotted to the contesting candidates on 31.10.2022. If at this stage nomination paper of the petitioner is accepted, revised list of contesting candidates will have to be published and election symbols will also have to be allotted to the petitioner, therefore, election symbols already allotted to the contesting candidates may be required to be revised since the election symbols are fixed and allotted to the candidates for the post of Sarpanch serial wise according to their names appearing in Hindi alphabet.

8. In view of the above facts and circumstances of the case I, Dhanpat Singh, State Election Commissioner, Haryana in exercise of powers enabling me under clause 1 of article 243K of the Constitution of India, sub-section (1) of section 161 and sub-section (2) of section 211 of the Haryana Panchayati Raj Act, 1994, rule 24 of the Haryana Panchayati Raj Election Rules, 1994 and all other powers enabling me in this behalf and in compliance with the directions of the Hon'ble High Court of Punjab and Haryana at Chandigarh in CWP No. 25121 of 2022 Lakshmi Kumari versus State of Haryana & others orders dated 01.11.2022 hereby order :

- (i) to issue notices to all four candidates for the post of Sarpanch, Gram Panchayat Jaulli, Block Gohana district Sonipat whose nominations have been accepted and who had already been allotted election symbols for conducting poll on 12.11.2022 informing them that election for this post will be held as per revised election schedule which will be issued later in view of directions dated 01.11.2022 of the Hon'ble High Court in CWP No. 25121 of 2022 Lakshmi Kumari versus State of Haryana & others whereby it has been directed to accept nomination of Smt. Lakshmi Kumari.
- (ii) to accept nomination paper of Smt. Lakshmi Kumari w/o Satish Kumar for election fot the post of Sarpanch of Gram Panchayat Jaulli, Block Gohana district Sonipat.
- (iii) to re-publish list of contesting candidates and re-allotment of election symbols to all the contesting candidate including the petitioner.
- (iv) to keep poll for the post of Sarpanch, Gram Panchayat Jaulli, Block Gohana, District Sonipat which is scheduled to be held on 12.11.2022 in abeyance for the time being. Revised schedule for which will be issued in due course.

DHANPAT SINGH,
State Election Commissioner, Haryana.